

Decision 90 11 038 NOV 09 1990

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the State of California, Department of Transportation for an order authorizing the Department to reconstruct an existing crossing at separated grades under the tracks of Southern Pacific Transportation Company's Niles-San Jose Main Line at approximate Railroad Mile Post 45.0 on DA Line in the City of San Jose, Santa Clara County.

**ORIGINAL**

Application 90-08-049  
(Filed August 22, 1990)

O P I N I O N

As part of the six-mile long project to widen U.S. Route 101 between the Route 280/680/101 Interchange to the De La Cruz Boulevard/Trimble Road Interchange, the California Department of Transportation (Caltrans) requests authority to reconstruct and enlarge the North San Jose Underpass over Route 101 at separated grades under the tracks of the Southern Pacific Transportation Company's (SPT) Niles-San Jose Main Line in San Jose, Santa Clara County. Authority is also requested to construct a temporary shoofly track and structure at separated grades over Route 101 at a location east of the existing structure.

The proposed freeway widening will provide reduced congestion and safer traffic flow in the San Jose area. The new structure will be wider and longer to carry two tracks of SPT's Niles to San Jose Main Line over Route 101.

Caltrans is the lead agency for this project under the California Environmental Quality Act of 1970 (CEQA), as amended, Public Resources Code Sections 21000, et seq. After preparation and review of an initial study, Caltrans issued a Negative Declaration and approved the project. On May 3, 1989, a Notice of Determination was filed with the County Clerk which found that "The

project will not have a significant effect on the environment."

The Commission is a responsible agency for this project under CEQA and has reviewed and considered the lead agency's Initial Study and Negative Declaration.

The site of the proposed project has been inspected by the Commission's Safety Division Traffic Engineering staff. The staff examined the need for and safety of the proposed construction and recommends that authority to construct the crossings be granted as requested.

Caltrans has met the filing requirements of the Commission's Rules of Practice and Procedure, including Rule 38, which relates to the construction of a public highway across a railroad. A sketch of the project vicinity is set forth as Appendix A.

Notice of the application was published in the Commission's Daily Calendar on August 28, 1990. No protests have been received. A public hearing is not necessary.

Findings of Fact

1. Caltrans requests authority under Public Utilities Code Sections 1201-1205 to reconstruct and enlarge the North San Jose Underpass over Route 101 at separated grades under the tracks of SPT's Niles to San José Main Line in San Jose, Santa Clara County.

2. Railroad operations require construction of a temporary shoofly east of the existing underpass during reconstruction of the North San Jose Underpass.

3. Construction of the shoofly track requires that a temporary bridge carrying one track be constructed over Route 101 to provide for continued rail service during reconstruction of the North San Jose Underpass.

4. Reconstruction and enlarging of the North San Jose Underpass is required as part of the widening of Route 101 between the Route 280/680/101 Interchange and the De La Cruz Boulevard/Trimble Road Interchange in San Jose, Santa Clara County.

5. Public convenience, necessity, and safety require reconstruction of the North San Jose Underpass.

6. Caltrans is the lead agency for this project under CEQA, as amended.

7. The Commission is a responsible agency for this project and has reviewed and considered the lead agency's Initial Study and Negative Declaration.

8. The project will not have a significant effect on the environment.

Conclusion of Law

The application should be granted as set forth in the following order.

O R D E R

IT IS ORDERED that:

1. The State of California, Department of Transportation (Caltrans), is authorized to reconstruct and enlarge the North San Jose Underpass over Route 101 at separated grades under the tracks of the Southern Pacific Transportation Company's (SPT) Niles to San Jose Main line in San Jose, Santa Clara County, at the location and substantially as shown by plans attached to the application, identified as Crossing DA-45.0-B.

2. Caltrans is also authorized to construct a temporary shoofly track at separated grades over Route 101 east of the North San Jose Underpass for use during its reconstruction.

3. Upon completion of the reconstruction of the North San Jose Underpass, the shoofly track and temporary bridge shall be physically removed.

4. Clearances shall be in accordance with General Order (GO) 26-D.

5. Walkways shall conform to GO 118. Walkways adjacent to any trackage subject to rail operations shall be maintained free of

obstructions and shall be promptly restored to their original condition in the event of damage during construction.

6. Construction and maintenance costs shall be borne in accordance with an agreement to be entered into between the parties. A copy of the agreement, together with plans of the crossings approved by SPT, shall be filed with the Commission's Safety Division prior to commencing construction. Should the parties fail to agree, the Commission will apportion the costs of construction and maintenance by further order.

7. Within 30 days after completion of the work under this order, Caltrans shall notify the Commission's Safety Division in writing that the authorized work has been completed.

8. This authorization shall expire if not exercised within three years unless time is extended or if the above conditions are not complied with. Authorization may be revoked or modified if public convenience, necessity, or safety so require.

9. The application is granted as set forth above.

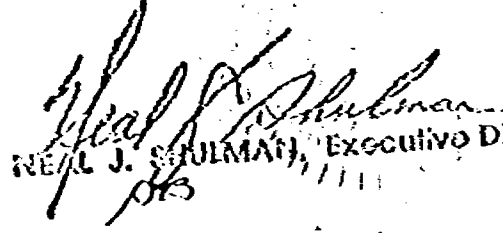
This order becomes effective 30 days from today.

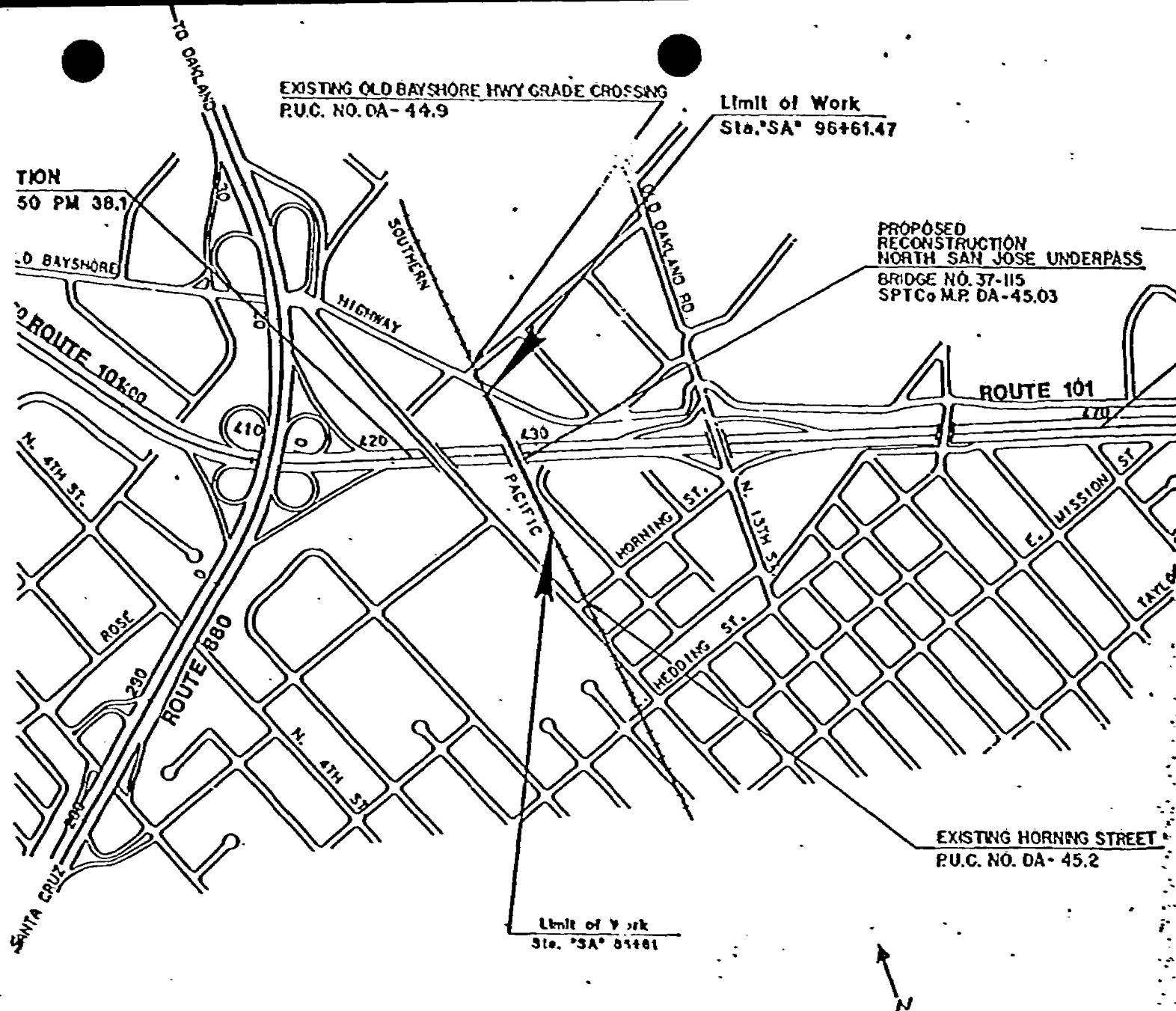
Dated NOV 09 1990, at San Francisco, California.

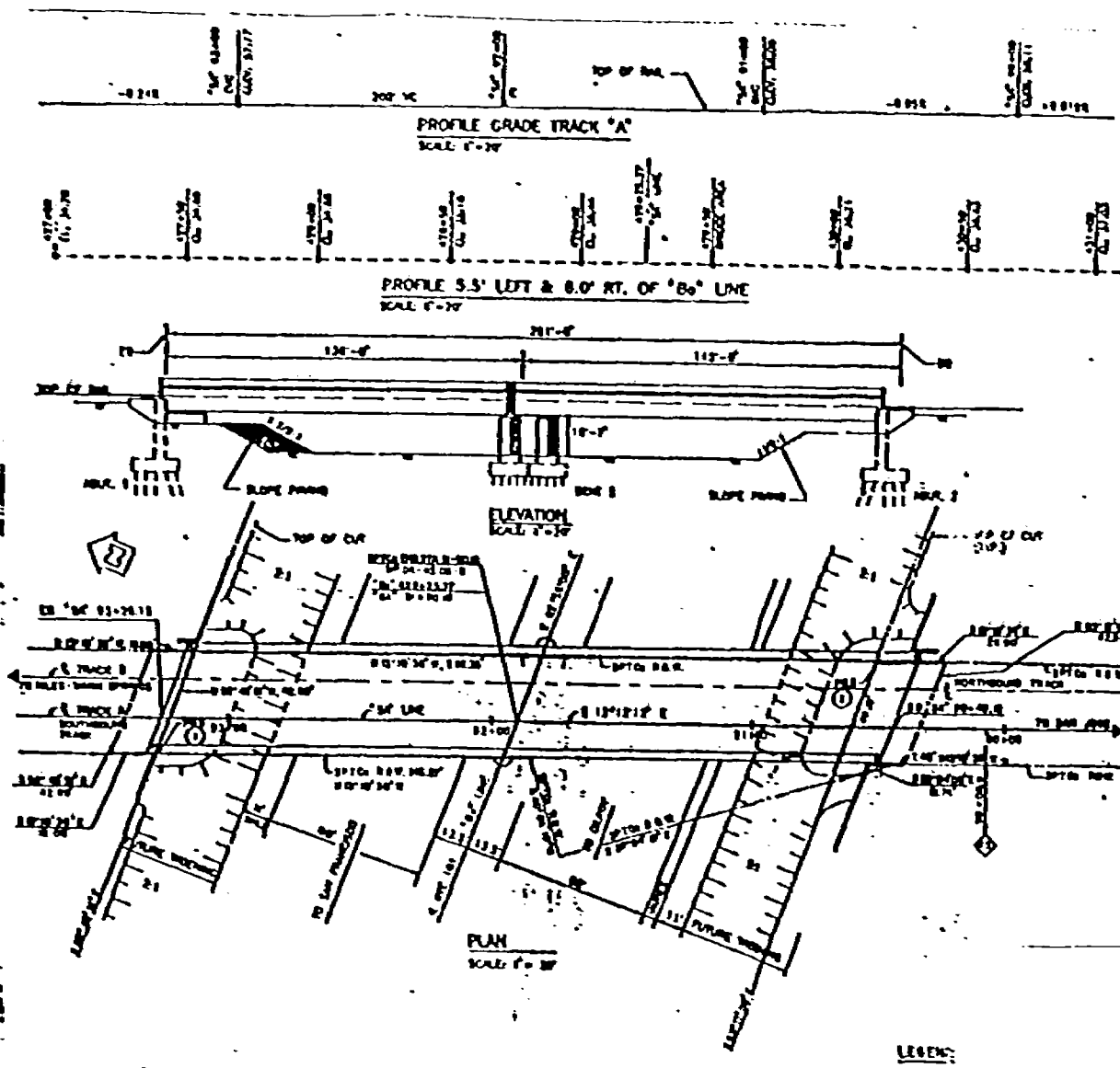
G. MITCHELL WILK  
President  
FREDERICK R. DUDA  
JOHN B. OHANIAN  
PATRICIA M. ECKERT  
Commissioners

Commissioner Stanley W. Hulett,  
being necessarily absent, did  
not participate.

I CERTIFY THAT THIS DECISION  
WAS APPROVED BY THE ABOVE  
COMMISSIONERS TODAY

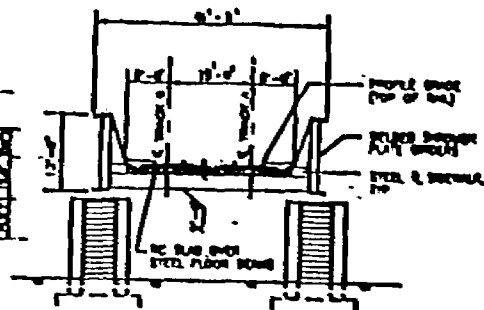
  
NEIL J. SCHULMAN, Executive Director





PILE DATA

| LOCATION   | PILE TYPE | SPECIFIED TO |
|------------|-----------|--------------|
| ABUTMENT 1 | PC 24     | USC 218      |
| PIER 1     | PC 24     | USC 218      |
| PIER 2     | PC 24     | USC 218      |
| PIER 3     | PC 24     | USC 218      |



**LEGEND:**

TOP OF RAIL LINE

RAIL JOINT LINE